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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,940

04/19/2005

Rene Jan Hendriks

NL 021044

4492

24737 7590 12/20/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PATEL, VIP

ART UNIT

PAPER NUMBER

2879

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/20/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/531,940	HENDRIKS ET AL.	
	Examiner	Art Unit	
	Vip patel	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>0106</u> | 6) <input type="checkbox"/> Other: ____ |

Specification

The abstract of the disclosure contains foreign language and is not limited to a single paragraph on a separate sheet. See MPEP 608.01b. Correction is requested.

In arrangement of the specification, applicant is suggested to use following section headings in upper case letters as provided in 37 CFR 1.77(b). If no text follows the section heading, the section heading should be omitted:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is requested. In line 6 of claim 1, the applicant claims "means for maintaining a discharge in the discharge space". Note, this means is/are not stated in the specification. For examination purposes, a discharge vessel is considered to be means for maintaining a discharge in the discharge space.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 16 of claim 1, the applicant claims that the coating comprises "a network" obtainable through conversion of an organically modified silane by means of sol-gel process. Here, it is not clear as to what exactly the applicant is intending to claim. Is the applicant intending to simply claim that the ---coating comprises an organically modified silane obtained by sol-gel process---? If so, the applicant should state such.

In line 3 of claim 4, "the pigment" lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohmer et al (WO 01/20641).

Regarding claim 1, Bohmer discloses a lamp (see figure 1) comprising a light transmitting discharge vessel (1), a discharge space (not labeled but seen in figure 1) having a filling of mercury and rare gas (line 15 of page 6), and an outside portion of the

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discharge vessel provided with coating that has organically modified silane described by formula: $R^I Si(OR^{II})_3$ where R^I is alkyl or aryl group and R^{II} is an alkyl group (see abstract).

Bohmer does not teach a separate luminescent layer having a luminescent material. However, Bohmer teaches use of a luminescent material (line 5 of page 13) within different layer 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a separate luminescent layer having a luminescent material since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art (*Nerwin v. Erlichman* 168 USPQ 177, 179). Alternatively, It would have been an obvious matter of design choice to have a separate luminescent layer having a luminescent material since applicant has not disclosed that this difference solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Bohmer's integral luminescent material.

Regarding claim 2, Bohmer's R^I group comprises CH_3 or C_6H_5 (see abstract).

Regarding claim 3, Bohmer's R^{II} group comprises CH_3 or C_2H_5 (see abstract).

Regarding claim 4, Bohmer's pigment's average diameter is less than 100nm (line 31 of page 4).

Regarding claim 5, Bohmer's coating thickness is greater than 1 um (see line 2 of page 8).

Regarding claim 6, Bohmer's silica particles have diameter of less than 50nm (see abstract).

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Regarding claim 7, Bohmer's pigment causes a change in the color temperature of the lamp (see line 22 of page 2). Alternatively, claim 7 recites characteristic only and not any additional positive product limitation/physical feature. Therefore, Bohmer disclosing all the claimed limitations would inherently have the recited characteristic.

Regarding claim 8, Bohmer's pigment is iron oxide (see line 14 of page 4).

Regarding claim 9, Bohmer's pigment is perylene (see line 27 of page 4).

Regarding claims 10-11, Bohmer discloses all the limitations of claims 10-11 except specific reflecting particles and its size. However, Bohmer already teaches use of a reflector (see line 25 of page 6) within the lamp. This reflector may have any suitably sized reflecting particles so long as it performs its intended purpose (ie, reflecting light). Further, it has been held that constructing a formerly integral structure in separate element involves only routine skill in the art. Alternatively, It would have been an obvious matter of design choice to have specific reflecting particles and its size since applicant has not discloses that this difference solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Bohmer's reflector.

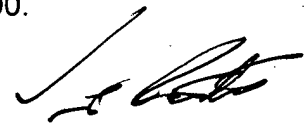
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vip Patel whose telephone number is (571) 272-2458. The examiner can normally be reached on 8.30am- 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can

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be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/ Vip Patel /
Vip Patel
Primary Examiner
AU 2879